IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1554 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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RMNIKLAL JIVANLAL GAJJAR

Versus

STATE OF GUJARAT

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Appearance:

MR YOGESH S LAKHANI for Petitioner

MR KT DAVE, AGP for Respondent No. 1, 2

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CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 28/09/2000

ORAL JUDGEMENT

Rule. Learned AGP Mr KT Dave waives service of Rule for the respondents.

2. The petitioner holds a 12 bore gun and the license for the same since 1982. At the time of filing the petition in February, 1999, the said license was renewed upto 31.12.1999. It is stated at the Bar today

that the application for renewal is already made.

3. The petitioner's father was holding a 32 bore pistol alongwith necessary license therefor and it was also being renewed from time to time. The petitioner's name was also entered in the said license as retainer since the year 1978. The petitioner's father expired in 1995 and, therefore, the petitioner applied to the authorities to add in his license the 32 bore pistol belonging to his father and to extend the territorial limit for operation of the said license beyond Junagadh and to make it for entire State. The application came to be rejected by the Additional District Magistrate, Junagadh. The petitioner's appeal came to be dismissed by the State Government on 15.10.1998. In the meantime, the petitioner received notice dated 15.9.1998 from the District Magistrate, Porbandar calling upon the petitioner to show cause why the 32 bore pistol should not be confiscated. The petitioner has filed the present petition against the order of the State Government rejecting the petitioner's appeal. It is stated at the Bar that the District Magistrate has not passed any order confiscating the 32 bore pistol.

4. The authorities have rejected the petitioner's request to transfer the license for the 32 bore pistol in favour of the petitioner on the ground that the petitioner already possesses a 12 bore gun and the license for the same and, therefore, the petitioner does not need two arms.

5. At the hearing of the petition, the learned counsel for the petitioner submits that the petitioner is now interested in having only one 32 bore pistol and the license for the same which was held by the petitioner's father till he expired in the year 1995 and in which the petitioner's name was added as retainer since 1978. The learned counsel further states that the petitioner is prepared to forego his license for the 12 bore gun as the petitioner's younger brother is prepared to have the 12 bore gun and is prepared to apply for the license for the same.

6. The aforesaid suggestion made on behalf of the petitioner was conveyed to respondent No.2-District Magistrate through learned AGP Mr KT Dave. Today, Mr KT Dave states that respondent No. 2-District Magistrate, Porbandar is agreeable to grant license to the petitioner for the 32 bore pistol provided the petitioner returns the license for the 12 bore gun and also surrenders the said 12 bore gun to the authorities and the authorities

will consider the application, if any, which may be made by the petitioner's brother for the 12 bore gun and the license for the same.

7. In view of the above statement, nothing further is required to be done except to modify the order dated 15.10.1998 of the State Government at Annexure H to the petition to the effect that in case the petitioner applies for the license for the 32 bore pistol, respondent No. 2 shall grant the same upon the petitioner surrendering the license for the 12 bore gun and also the said weapon subject to the liberty to the petitioner's younger brother Gomeshbhai Jivanlal Gajjar to apply for the license for the 12 bore gun and also to get the said weapon transferred in his name. The said application of Gomeshbhai Jivanlal Gajjar, of course, will be decided in accordance with law.

8. The petition is accordingly disposed of. Rule is made absolute to the aforesaid extent only. There shall be no order as to costs.

September 28, 2000 (M.S. Shah, J.)
sundar/-